

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

BOARD OF TRUSTEES SHEET METAL)
WORKERS' NATIONAL PENSION FUND,)
et al.,)
Plaintiffs,) Case No. 1:22-cv-1294-PTG-WEF
v.)
NEW YORK CHUTES, LLC,)
Defendant.)

DEFENDANT'S MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant New York Chutes, LLC (“NY Chutes”), by counsel, hereby moves for an order dismissing with prejudice Plaintiff’s Second Amended Complaint for the reasons stated in the concurrently filed Memorandum in Support.

Dated: January 9, 2024

Respectfully submitted,

/s/ Micah E. Ticatch
Micah E. Ticatch, VA Bar No. 83351
Edward Lee Isler, Va. Bar No. 27985
ISLER DARE, P.C.
1945 Old Gallows Road. Suite 650
Vienna, Virginia 22182
Phone: (703) 748-2690
Facsimile: (703) 748-2695
eisler@islerdare.com
mticatch@islerdare.com

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of January 2024, I electronically filed the foregoing with the Clerk of the U.S. District Court for the Eastern District of Virginia using the CM/ECF system, which automatically sends the foregoing via email to:

Diana M. Bardes, Esq. (VA Bar No. 81831)
Mooney, Green, Saindon, Murphy & Welch, P.C.
1920 L Street, NW, Suite 400
Washington, D.C. 20036
(202) 783-0010
(202) 783-6088 (facsimile)
dbardes@mooneygreen.com
Counsel for Plaintiff Funds

/s/ Micah E. Ticatch
Micah E. Ticatch, Va Bar No. 83351
ISLER DARE, P.C.
1945 Old Gallows Road, Suite 650
Vienna, Virginia 22182
Telephone: (703) 748-2690
Facsimile: (703) 748-2695
E-Mail: mticatch@islerdare.com
Counsel for Defendant
New York Chutes, LLC